

*Information for Human Resources and Business Risk Professionals in the Colorado State Personnel System****In this issue...***

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Director's Rulemaking Hearing Set for February

The State Personnel Director has filed a Notice of Public Hearing for rulemaking. Rule 1-51 (independent contractor definition), rule 1-70 (service date definition), rule 2-7 (individual position allocation), Chapter 5 (time off), and Chapter 11 (benefits) are being considered. The public hearing will be held on Thursday, February 18, 2010, beginning at 9:00 a.m., in Courtroom 1 at 633 17th Street, Suite 1320, in Denver.

The Notice, Proposed Statement of Basis and Purpose, and Proposed Director's Rule Language are available on the DHR's Web at <http://www.colorado.gov/cs/Satellite/DPA-DHR/DHR/1185870965353>. Also included is a version of the proposed language without strikeouts. If you have questions, please contact Charlene Wisher at 303-866-2171 or charlene.wisher@state.co.us.

Child Care Discounts for State Employees

Are your employees looking for a way to save money on childcare this year? Childcare discounts are available for all state employees through a number of childcare providers including ABC Child Development Centers, Au Pair in America, Gateway Academy, Kiddie Academy, Kids Place, Kindercare, Little People's Landing, and Sittercity.com. These discounts are available to all state employees in all branches of state government. To obtain childcare discount rates and information, contact the chosen provider and let them know you are a State of Colorado employee and learned about this discount through work. The providers will explain the details so you may make the best decision for your family.

Employees are reminded that arrangements made are the sole responsibility of the individual family. The State assumes no obligation for these arrangements and does not endorse any of the organizations or their programs. For information on all Work-Life employee discounts and resources go to the Department of Personnel & Administration, Division of Human Resources Work-Life Web site at <http://www.colorado.gov/dpa/dhr/worklife> or contact Joann Nelson at Joann.Nelson@state.co.us.

Staff Changes in DHR

Last month, we forgot to mention that Skye Brunick joined the staff at the Governor's Office of Information Technology.

This month, we bid farewell to Laurie Benallo, the Workforce Planning and Development section manager, and to Jamie Thornton, COBRA administrator. Laurie accepted an opportunity outside of the HR profession in the Department of Revenue. Jamie also accepted a position outside of the benefits function and moved to the Department of Public Health and Environment. We wish them the best of luck in their new endeavors.

New Way to Donate to Working Together and Help Co-Workers

Direct payroll deduction to Working Together is available. Employees paid through Central Payroll Services should complete the [payroll deduction authorization form](#) and give it to their payroll office. Some employees paid through some higher education payroll systems also have this new service and should contact their payroll office to authorize a deduction.

Other methods to make tax-deductible donations continue: Colorado Combined Campaign (#1300), electronic fund transfer for Credit Union of Colorado members, and direct donation by check.

Frequently Asked Questions about Training Waivers from the Professional Development Center (PDC)

What is a training waiver?

A training waiver is a request for approval for contracting with an outside vendor to provide training. The State Training Administrator reviews waivers and determines approval based on an internal ability to provide the training, cost effectiveness, and the rationale provided by the person requesting the waiver.

Why is a training waiver necessary?

State Statute 24-50-122 requires the State Personnel Director to approve all expenditures for employee training. The PDC manages training waiver approvals as the agent for this process. The PDC also utilizes training waiver requests as one source in determining training needs.

What if the PDC does not offer training that is needed?

The PDC is happy to work with employees to determine if the PDC can customize training or provide it through our partners (e.g., community colleges, universities). If given enough notice, it is more likely that the PDC can be of assistance. Before submitting a training waiver, please make sure that the PDC does not provide the training and cannot arrange for the training through a partner.

How does an employee request a training waiver?

Please use the following link to the PDC website and click on the box on the right labeled "Training Waiver Request." Complete all the boxes with the requested information and click on "Submit Training Waiver."

<http://www.colorado.gov/cs/Satellite/DPA-DHR/DHR/1237196251590>

Is it necessary to submit a separate waiver for multiple employees attending the same training course outside the PDC?

It is not necessary to submit a waiver for every person in a group in which all members are taking the same training. Provide the name of the group in the "Name" box under the heading "This Waiver Request is for" and list the names in the "Explanation of Reason for Waiver" box at the bottom of the

page. In this way employees will not spend valuable time submitting waivers and the PDC will have an accounting of who is attending training.

When should a training waiver be submitted?

It is best that employees give plenty of lead time to obtain a waiver. As soon as an employee accurately determines that the PDC or one of its partners cannot provide the necessary training, the employee should submit a waiver request. Failure to submit training waivers in a timely manner could delay approval of a waiver and ultimately delay receipt of necessary training.

When can an employee expect to receive a response to a training waiver request?

Barring extenuating circumstances, an employee should receive a response to a waiver request within 3 business days of submission.

Does an employee need a training waiver to attend a professional conference?

No.

When you have questions about training waivers or other PDC topics, please submit them to prsnl.training@state.co.us

Open Enrollment Timeline – Working Backward from 7/1/10

It is time to begin addressing the FY11 Open Enrollment. **For now the FY11 Open Enrollment is tentatively scheduled for April 28 – May 19, 2010.** This will be a monumental enrollment, as the State will change vendors for the self-funded medical plan, which will mean changes in the types of options for coverage within that plan. There will also be changes to the self-funded dental options, and possible tier changes that will accommodate employees covering their same-gender domestic partners (SGDPs) for medical and dental (per SB09-088, passed in the 2009 legislative session). Because of all of these changes, the FY11 open enrollment will be a full-positive enrollment, meaning that current FY10 medical and dental coverage will not roll forward into FY11. The amount of changes occurring for FY11 will not allow for FY10 coverage to be accurately mapped going forward, so a full-positive enrollment is the surest route to accurate enrollment for employees.

Employee Benefits will spend the coming months developing, testing, implementing, and communicating these changes. What follows is a general timeline, listing the major milestones in preparation for open enrollment to provide some insight into the entire process. It works backward from July 1, 2010, because that is how open enrollment is planned.

FY11 Open Enrollment Timeline

- *July 1, 2010 - New, FY11 plan year begins.* New coverage and premiums go into effect.
- *June 7, 2010 – Provide enrollment data to insurance vendors.* Open enrollment data must be provided to insurance vendors by June 7, 2010, to ensure ID cards are delivered to employees before July 1.
- *May 19, 2010 – Open Enrollment for FY11 concludes.* Open enrollment must conclude this week in order to review and correctly process open enrollment data so that it can be delivered to the insurance vendors by June 7.
- *April 28, 2010 – Open Enrollment for FY11 begins.* Open enrollment will be extended to three weeks (April 28 – May 19) to accommodate a full-positive enrollment due to all of the changes. Current coverage will not carry forward.

- *April 5, 2010 – Expected publish date of April “Open Enrollment” edition of HealthLine. The employee share of premiums is determined by what the State contributes as an employer. The State contribution is determined by the Legislature, and is not truly official until the Governor signs the “Long Bill”, which is usually done near the end of the legislative session in May. However, by the beginning of April, the State contribution can be *closely estimated*, meaning the employee share of the premiums can be determined, which will allow the premiums to be published for employees – in the April HealthLine and on the Employee Benefits Web site.*
- *March 15, 2010 – Provide new plans, tiers and other information to systems (BAS, CPPS, vendors’ systems); test information and processes. Testing of the exchange of information between systems, the new plans, tiers, etc., must be completed in the second half of March.*
- *January 11, 2010 – March 15, 2010 – All of the above information means Employee Benefits has two months to complete the following: negotiate contracts for all benefits, design medical and dental options and price all benefit plans, manage the loss of previous carriers, formulate new tier structures to accommodate same-gender domestic coverage.*

Planning open enrollment is complex, especially in a year with so many changes. However, the Employee Benefits Team is committed to providing important information when it is available. Stay tuned.

Update on the FMLA and Paid Leave Legislation on the Federal Front

The Division of Human Resources (DHR) is tracking several pieces of legislation moving through Congress that could have significant impact on the FMLA and the State’s leave policies. If any of these laws are passed, there will need to be updates to Chapter 5. Chapter 5 is already being restructured to reflect recent state and federal legislative changes and is scheduled for hearing February 18, 2010. A training schedule will be established to assist with implementing the new rules and notice of the schedule will be sent out via email.

Below is a brief summary of the federal legislation that DHR is tracking. If you know of others that we should be tracking, but are not on this list, please forward to Joi Simpson at Joi.Simpson@state.co.us. DHR will keep you informed of any changes and how they may impact the State’s leave policies.

H.R. 2647 National Defense Authorization Act for Fiscal Year 2010

As you are already aware, H.R. 2647 was signed into law on October 28, 2009, and expanded family leave to family members of all active duty servicemembers and family member care for family members of veterans.

H.R. 1793 Family Leave Insurance Act of 2009

Family Leave Insurance Act of 2009 was introduced in March of 2009 and would establish a Family and Medical Insurance Program, mandatory for certain covered employers. The bill would authorize the Secretary of Labor to: (1) contract with a state to establish a state Family and Medical Insurance Program to provide specified leave benefits, or expand a pre-existing state program; or (2) at a governor's request, enter an interagency agreement with the Commissioner of the Social Security Administration to establish a state Family and Medical Insurance Program. If the bill is passed the law would entitle eligible employees to benefits at a specified percentage of their daily earning for 13 weeks of leave under the FMLA.

H.R. 2132: Family and Medical Leave Inclusion Act

This bill was introduced in April 2009 and would expand FMLA coverage to same-sex partners or domestic partners, parents-in-law, adult children, siblings and grandparents.

H.R. 2161: Family and Medical Leave Restoration Act

H.R. 2161, also introduced in April 2009, would repeal certain regulations promulgated on November 17, 2008, that went into effect on January 18, 2009. These include regulations that currently allow an employer from approving or denying leave based on non-compliance with leave policies; direct contact with the employee's healthcare provider; fitness for duty for intermittent leave; treatment and recertification process; and the new FMLA form templates.

H.R. 2339: Family Income to Respond to Significant Transitions Act

Introduced in May 2009, it directs the Secretary of Labor to award grants to states to pay for the federal share of the cost of carrying out programs that assist families by providing, through various mechanisms, wage replacement for eligible individuals taking leave to respond to caregiving needs resulting from the birth or adoption of a child, or for other purposes under the Family and Medical Leave Act of 1993 (FMLA), or provided under state or local law.

S. 1607: Wounded Veteran Job Security Act of 2009

Introduced in March 2009, it provides job protection for veterans who are receiving medical treatment for service-connected disabilities and for other purposes. This leave would be treated much the same as military leave.

S. 1152: Healthy Families Act

Introduced in May 2009, it requires certain employers to allow employees to earn one hour of sick leave for every 30 hours of work (up to seven days per year) to be taken for medical needs for themselves or a family member, and for issues related to domestic violence. It provides the Secretary of Labor with the authority to investigate violations under the Act for employees covered under FMLA and the Government Employee Rights Act of 1991. Employers can still adopt more generous policies.

H.R. 4092: Pandemic Protection for Workers, Families, and Businesses Act

Introduced in November 2009, it allows employees to receive paid sick time (up to seven days) so that they can address their own health needs, and the health needs of their families, related to a contagious illness.

H.R. 3991: Emergency Influenza Containment Act

Introduced in November 2009, it allows leave up to five days within a 12-month period, without financial harm, to stay home when an employee has symptoms of a contagious disease that may put co-workers, customers, or the public at risk.

H.R. 2564: Paid Vacation Act of 2009

Introduced in May 2009, it amends the Fair Labor Standards Act to require employers who employ 100 or more employees to provide one week of paid vacation during each 12-month period. After three years of enactment each employer who employs 50 or more employees will provide one week of paid vacation during each 12-month period and each employer that employs 100 or more employees will provide each employee with two weeks paid vacation during each 12-month period, from the employee's first anniversary of employment. It requires an employee to provide the employer not less than 30 days' prior notice of his or her intent to take paid vacation, including the date the paid vacation will begin. Employers can still adopt more generous policies.

Should any of this legislation be signed into law, DHR will notify the HR community. In addition, DHR will also be following any legislation introduced at the State level related to leave and will provide updates as necessary.

Working Together Receives the 2009 United We Serve Award

The Denver Federal Executive Board (DFEB) announced on January 10th that Working Together is the recipient of the 2009 United We Serve Award in the state government category. The DFEB established the award in 2009 to recognize city, county, state, and federal government employees in Colorado who have demonstrated exemplary volunteer and community service. The award is based on President Obama's *United We Serve* campaign that encourages government employees to serve their communities through volunteer activities. Working Together was nominated by the Governor's Office. The Board of Directors wants to share the award with all state employees who so generously arrange fundraising opportunities and donate to their colleagues in need, especially during these hard economic times.